

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 00-4187

LINWOOD ANDREW GROSS, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Maryland, at Greenbelt.
Peter J. Messitte, District Judge.
(CR-99-94)

Submitted: September 21, 2000

Decided: October 2, 2000

Before WILKINS, NIEMEYER, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

James Wyda, Federal Public Defender, Beth Farber, Assistant Federal
Public Defender, Baltimore, Maryland, for Appellant. Lynne A. Bat-
taglia, United States Attorney, Deborah A. Johnston, Assistant United
States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See
Local Rule 36(c).

OPINION

PER CURIAM:

Appellant Linwood Andrew Gross, Jr. was convicted of possession of a firearm by a convicted felon, in violation of 21 U.S.C. § 922(g)(1). He contends that the district court erred in denying his request for a mistrial. We review this claim for abuse of discretion. See United States v. Guay, 108 F.3d 545, 552 (4th Cir. 1997).

Gross moved for a mistrial after the prosecutor said during summation that a key witness "came here and . . . told you the truth." This statement served as a caption for a list of factors suggesting the witness was credible. The statement was not improper, as it neither expressed the prosecutor's personal belief nor implied that the prosecutor had information not available to the jury that supported the Government's case. See United States v. Sanchez, 118 F.3d 192, 198 (4th Cir. 1997). Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED